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In re Application of	:	
Moest et al	:	
Application No.: 10/009,061	:	DECISION ON
PCT No.: PCT/EP00/03963	:	
Int. Filing Date: 03 May 2000	:	PETITION UNDER
Priority Date: 06 May 1999	:	
Attorney's Docket No.: RW-119PCT	:	37 CFR 1.137(b)
For: DOSING SPOON FOR MICRO-TABLETS	:	

This is in response to the "Petition To Revive Unintentionally Abandoned Application" filed on 11 April 2002.

BACKGROUND

On 03 May 2000, this international application was filed, claiming an earliest priority date of 06 May 1999.

On 06 October 2000, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 06 November 2001. This international application became abandoned with respect to the United States at midnight on 06 November 2001 for failure pay the basic national fee.

On 02 December 1999, applicant filed in the United States Patent and Trademark Office (USPTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371. The transmittal letter was accompanied by the U.S. basic national fee but no executed declaration.

On 15 February 2002, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant had failed to provide the copy of the international application by 30 months.

On 02 December 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, an executed declaration and the petition fee for revival of an unintentionally abandoned application..

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.


Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

The required fees of \$65.00 (the surcharge under 1.492(e) for late filing of the declaration), \$ 130.00 (the surcharge under 1.492(f) for an English translation after thirty months) has been charged to Deposit Account No. 11-1835 as authorized in the petition.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371 date of this application is **11 April 2002**.


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